

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VEOMANY MAOMANIVONG,

No. C-13-05433 DMR

Plaintiff(s),

ORDER TO SHOW CAUSE

v.

NATIONAL CITY MORTGAGE CO., ET AL.,


Defendant(s).

On April 1, 2014, Defendants filed a motion to dismiss. [Docket No. 20.] On April 7, 2014, Plaintiff filed a notice stating that Plaintiff does not oppose the motion but instead intends to file an amended complaint. [Docket No. 22.] Pursuant to Fed. R. Civ. P. 15(a)(1), a party may amend its pleading without court order within 21 days after service of a motion under Rule 12(b). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Under the Federal Rules, the last day for Plaintiff to file an amended complaint without Defendants' written consent or the court's leave was April 22, 2014. To date, Plaintiff has not filed an amended complaint.

Plaintiff is ordered to respond by **May 6, 2014**, and show cause for Plaintiff's failure to file an amended complaint. This order to show cause does not constitute leave to file an amended complaint. The hearing on May 8, 2014 is **VACATED**. If Plaintiff does not respond by May 6, 2014, the case may be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: April 29, 2014



DONNA M. RYU
United States Magistrate Judge